

AP3REC/PCT/PTO 18 APR 2006 #6

PCT/IB03/03257 . 18042006

CASE ON/4-32590A

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV704620803US
Express Mail Label Number

April 18, 2006
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF
BARANOWSKA-KORTYLEWICZ ET AL.

INTERNATIONAL APPLICATION NO: PCT/IB03/03257

FILED: 17 JULY 2003

U.S. APPLICATION NO: 10/521,299

35 USC §371 DATE:

FOR: ENHANCING THE EFFECT OF RADIOIMMUNOTHERAPY IN THE
TREATMENT OF TUMORS

Mail Stop PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, Virginia 22313-1450

Response to Decision of April 6, 2006 made in Response to
Applicant's Petition under 37 C.F.R. 1.137(b)

Sir:

Applicant's representative would like to thank Daniel Stimmers for taking the time on April 17, 2006 to discuss the present situation regarding the Petition under 37 C.F.R. 1.137(b).

Mr. Daniel Stimmers noticed that the inventor is identified in the published international application as "Christian Pietras" while the declaration identifies him as "Kristian Pietras". The discrepancy in the first name resulted in Applicant's Petition to Revive under 37 C.F.R. 1.137(b) to be dismissed without prejudice. Applicant's representative was invited to provide an acceptable response, which would be to provide an acceptable explanation of any typographical or transliteration error in the first name of the inventor.

RECEIVED
6 JUL 2006
Legal Staff
International Division

PCT/IB00/03257, 16042006

If it appears that the name of the inventor was incorrectly published on the International Publication Application WO 2004/009089 A1 as "Pietras, Christian". Enclosed as "Attachment A" is a copy of the PCT Request which correctly states the inventor's names as "Pietras, Kristian", which was the exact spelling of his name in the fully executed Declaration attached to the Petition to Revive Under 37 C.F.R. 1.137(b) filed by the Applicant's representative on February 14, 2006. The correct name of the inventor is "Pietras, Kristian" and it is believed the error on the published application was a typographical error.

For the sake of clarity, also attached is (a) the Decision by the Office of Patent Cooperation Treaty regarding Applicant's Petition to Revive Under 37 C.F.R. 1.137(b) along with (b) a copy of the Petition to Revive Under 37 C.F.R. 1.137(b) filed on February 14, 2006. The Petition also contained a fully executed Declaration and Power of Attorney as required.

Applicants respectfully request that the above-identified application be revived under the provisions of 37 C.F.R. 1.137(b).

Respectfully submitted,


Oona A. Jackson
Attorney for Applicants
Reg. No. 48,152

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
(862) 778-7852

Date: April 18, 2006



PCT/IB03/03257 16042006
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,299	Janina Baranowska-Kortylewicz	ON/4-32590A
INTERNATIONAL APPLICATION NO.		
PCT/IB03/03257		
LA. FILING DATE	PRIORITY DATE	
07/17/2003	07/19/2002	

001095
NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 104/3
EAST HANOVER, NJ 07936-1080

OAJ

CONFIRMATION NO. 2167
371 FORMALITIES LETTER



OC000000016324543

Date Mailed: 06/20/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/14/2005
- Copy of the International Search Report filed on 01/14/2005
- Copy of IPE Report filed on 01/14/2005
- Preliminary Amendments filed on 01/14/2005
- Oath or Declaration filed on 01/14/2005
- U.S. Basic National Fees filed on 01/14/2005
- Priority Documents filed on 01/14/2005



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

DOCKETED FOR: Aug. 20, 2005

ALL OF THE ITEMS SET FOR [REDACTED] ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,299	PCT/IB03/03257	ON/4-32590A

FORM PCT/DO/EO/905 (371 Formalities Notice)

PCT/IBP/32590
POT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference
(if desired) (12 characters maximum) 4 -32590A

Box No. I TITLE OF INVENTION

Enhancing the effect of radioimmunotherapy in the treatment of tumors

Box No. II APPLICANT

 This person is also inventor

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

Ludwig Institute for
Cancer Research
605 Third Avenue
New York, NY 10158
US

Telephone No.

Facsimile No.

Teleprinter No.

Applicant's registration No. with the Office

State (that is, country) of nationality:
USState (that is, country) of residence:
US

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

University of Nebraska
Medical Center
986099 Nebraska Medical Center
Omaha, Nebraska 68198-6099

This person is:

- applicant only
- applicant and inventor
- inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:
USState (that is, country) of residence:
US

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

 Further applicants and/or (further) inventors are indicated on a continuation sheet.

Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:

agent common representative

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

HOXIE, Thomas (US Reg no 32,993)
KASSENOFF, Melvyn (US Reg no 26,389)
DOHMANN, George R. (US Reg no 33,593)
Novartis AG, Corporate Intellectual Property
4002 Basel
CH

Telephone No.
+41 61 324 40 35Facsimile No.
+41 61 322 75 32

Teleprinter No.

Agent's registration No. with the Office

Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Continuation of Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

If none of the following sub-boxes is used, this sheet should not be included in the request.

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

BARANOWSKA-KORTYLEWICZ, Janina
5 South 51st Avenue
Omaha, Nebraska, 68132-3535
US

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:
PLState (that is, country) of residence:
US

This person is applicant for the purposes of:

 all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

KURIZAKI, Takashi
19125 Yamada
Tamana City, Kumamoto, 8650066
JP

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:
JPState (that is, country) of residence:
JP

This person is applicant for the purposes of:

 all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

ABE, Michio
9324 Cumming PLZ 12C
Omaha, NE 68132
US

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:
JPState (that is, country) of residence:
US

This person is applicant for the purposes of:

 all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

OSTMAN, Arne
Bellmansgatan 58
75426 Uppsala

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:
SEState (that is, country) of residence:
SE

This person is applicant for the purposes of:

 all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Further applicants and/or (further) inventors are indicated on another continuation sheet.

Continuation of Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

If none of the following sub-boxes is used, this sheet should not be included in the request.

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

PIETRAS, Kristian
Tegnergatan 31 C
752 26 Uppsala
SE

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:
SEState (that is, country) of residence:
SE

This person is applicant for the purposes of: all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of: all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of: all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

Applicant's registration No. with the Office

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of: all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Further applicants and/or (further) inventors are indicated on another continuation sheet.

The following designations are hereby made under Rule 4.9(a):

Regional Patent

- AP ARIPO Patent: GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, MZ Mozambique, SD Sudan, SL Sierra Leone, SZ Swaziland, TZ United Republic of Tanzania, UG Uganda, ZM Zambia, ZW Zimbabwe, and any other State which is a Contracting State of the Harare Protocol and of the PCT (*if other kind of protection or treatment desired, specify on dotted line*)
- EA Eurasian Patent: AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakhstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- EP European Patent: AT Austria, BE Belgium, BG Bulgaria, CH & LI Switzerland and Liechtenstein, CY Cyprus, CZ Czech Republic, DE Germany, DK Denmark, EE Estonia, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, SI Slovenia, SK Slovakia, TR Turkey, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- OA OAPI Patent: BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, GQ Equatorial Guinea, GW Guinea-Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (*if other kind of protection or treatment desired, specify on dotted line*)

National Patent (*if other kind of protection or treatment desired, specify on dotted line*):

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> AE United Arab Emirates | <input type="checkbox"/> GM Gambia | <input checked="" type="checkbox"/> NZ New Zealand |
| <input checked="" type="checkbox"/> AG Antigua and Barbuda | <input checked="" type="checkbox"/> HR Croatia | <input checked="" type="checkbox"/> OM Oman |
| <input checked="" type="checkbox"/> AL Albania | <input checked="" type="checkbox"/> HU Hungary | <input checked="" type="checkbox"/> PH Philippines |
| <input checked="" type="checkbox"/> AM Armenia | <input checked="" type="checkbox"/> ID Indonesia | <input checked="" type="checkbox"/> PL Poland |
| <input checked="" type="checkbox"/> AT Austria | <input checked="" type="checkbox"/> IL Israel | <input checked="" type="checkbox"/> PT Portugal |
| <input checked="" type="checkbox"/> AU Australia | <input checked="" type="checkbox"/> IN India | <input checked="" type="checkbox"/> RO Romania |
| <input checked="" type="checkbox"/> AZ Azerbaijan | <input checked="" type="checkbox"/> IS Iceland | <input checked="" type="checkbox"/> RU Russian Federation |
| <input checked="" type="checkbox"/> BA Bosnia and Herzegovina | <input checked="" type="checkbox"/> JP Japan | <input checked="" type="checkbox"/> SC Seychelles |
| <input checked="" type="checkbox"/> BB Barbados | <input checked="" type="checkbox"/> KE Kenya | <input type="checkbox"/> SD Sudan |
| <input checked="" type="checkbox"/> BG Bulgaria | <input checked="" type="checkbox"/> KG Kyrgyzstan | <input checked="" type="checkbox"/> SE Sweden |
| <input checked="" type="checkbox"/> BR Brazil | <input checked="" type="checkbox"/> KP Democratic People's Republic of Korea | <input checked="" type="checkbox"/> SG Singapore |
| <input checked="" type="checkbox"/> BY Belarus | <input checked="" type="checkbox"/> KR Republic of Korea | <input checked="" type="checkbox"/> SK Slovakia |
| <input checked="" type="checkbox"/> BZ Belize | <input checked="" type="checkbox"/> KZ Kazakhstan | <input type="checkbox"/> SL Sierra Leone |
| <input checked="" type="checkbox"/> CA Canada | <input checked="" type="checkbox"/> LC Saint Lucia | <input checked="" type="checkbox"/> TJ Tajikistan |
| <input checked="" type="checkbox"/> CH & LI Switzerland and Liechtenstein | <input checked="" type="checkbox"/> LK Sri Lanka | <input checked="" type="checkbox"/> TM Turkmenistan |
| <input checked="" type="checkbox"/> CN China | <input type="checkbox"/> LR Liberia | <input checked="" type="checkbox"/> TN Tunisia |
| <input checked="" type="checkbox"/> CO Colombia | <input type="checkbox"/> LS Lesotho | <input checked="" type="checkbox"/> TR Turkey |
| <input checked="" type="checkbox"/> CR Costa Rica | <input checked="" type="checkbox"/> LT Lithuania | <input checked="" type="checkbox"/> TT Trinidad and Tobago |
| <input checked="" type="checkbox"/> CU Cuba | <input checked="" type="checkbox"/> LU Luxembourg | <input type="checkbox"/> TZ United Republic of Tanzania |
| <input checked="" type="checkbox"/> CZ Czech Republic | <input checked="" type="checkbox"/> LV Latvia | <input checked="" type="checkbox"/> UA Ukraine |
| <input checked="" type="checkbox"/> DE Germany | <input checked="" type="checkbox"/> MA Morocco | <input type="checkbox"/> UG Uganda |
| <input checked="" type="checkbox"/> DK Denmark | <input checked="" type="checkbox"/> MD Republic of Moldova | <input checked="" type="checkbox"/> US United States of America |
| <input checked="" type="checkbox"/> DM Dominica | <input type="checkbox"/> MG Madagascar | <input checked="" type="checkbox"/> UZ Uzbekistan |
| <input checked="" type="checkbox"/> DZ Algeria | <input checked="" type="checkbox"/> MK The former Yugoslav Republic of Macedonia | <input checked="" type="checkbox"/> VC Saint Vincent and the Grenadines |
| <input checked="" type="checkbox"/> EC Ecuador | <input type="checkbox"/> MN Mongolia | <input checked="" type="checkbox"/> VN Viet Nam |
| <input checked="" type="checkbox"/> EE Estonia | <input type="checkbox"/> MW Malawi | <input checked="" type="checkbox"/> YU Yugoslavia |
| <input checked="" type="checkbox"/> ES Spain | <input checked="" type="checkbox"/> MX Mexico | <input checked="" type="checkbox"/> ZA South Africa |
| <input checked="" type="checkbox"/> FI Finland | <input type="checkbox"/> MZ Mozambique | <input type="checkbox"/> ZM Zambia |
| <input checked="" type="checkbox"/> GB United Kingdom | <input checked="" type="checkbox"/> NO Norway | <input checked="" type="checkbox"/> ZW Zimbabwe |
| <input checked="" type="checkbox"/> GD Grenada | | |
| <input checked="" type="checkbox"/> GE Georgia | | |
| <input checked="" type="checkbox"/> GH Ghana | | |

Check-boxes below reserved for designating States which have become party to the PCT after issuance of this sheet:

- NI Nicaragua
- PG Papua New Guinea
- SY Syrian Arab Republic
-

Precautionary Designation Statement: In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. (*Confirmation (including fees) must reach the receiving Office within the 15-month time limit.*)

Box No. VI PRIORITY CLAIM

The priority of the following earlier application(s) is hereby claimed:

Filing date of earlier application (day/month/year)	Number of earlier application	Where earlier application is:		
		national application: country or Member of WTO	regional application:*	international application: receiving Office
item (1) 19 July 2002 (19.07.02)	60/397347	US		
item (2)				
item (3)				
item (4)				
item (5)				

Further priority claims are indicated in the Supplemental Box.

The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (*only if the earlier application was filed with the Office which for the purposes of this international application is the receiving Office*) identified above as:

all items item (1) item (2) item (3) item (4) item (5) other, see
Supplemental Box

* Where the earlier application is an ARIPO application, indicate at least one country party to the Paris Convention for the Protection of Industrial Property or one Member of the World Trade Organization for which that earlier application was filed (Rule 4.10(b)(ii)):

Box No. VII INTERNATIONAL SEARCHING AUTHORITY

Choice of International Searching Authority (ISA) (if two or more International Searching Authorities are competent to carry out the international search, indicate the Authority chosen; the two-letter code may be used):

ISA / EP

Request to use results of earlier search; reference to that search (if an earlier search has been carried out by or requested from the International Searching Authority):

Date (day/month/year) Number Country (or regional Office)

Box No. VIII DECLARATIONS

The following declarations are contained in Boxes Nos. VIII (i) to (v) (mark the applicable check-boxes below and indicate in the right column the number of each type of declaration):

Number of declarations

- | | | |
|---|--|---|
| <input type="checkbox"/> Box No. VIII (i) | Declaration as to the identity of the inventor | : |
| <input type="checkbox"/> Box No. VIII (ii) | Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent | : |
| <input type="checkbox"/> Box No. VIII (iii) | Declaration as to the applicant's entitlement, as at the international filing date, to claim the priority of the earlier application | : |
| <input type="checkbox"/> Box No. VIII (iv) | Declaration of inventorship (only for the purposes of the designation of the United States of America) | : |
| <input type="checkbox"/> Box No. VIII (v) | Declaration as to non-prejudicial disclosures or exceptions to lack of novelty | : |

Box No. IX CHECK LIST LANGUAGE OF FILING		Number of items
This international application contains:		
(a) in paper form, the following number of sheets :		
request (including declaration sheets)	: 6	
description (excluding sequence listings and/or tables related thereto)	: 15	
claims	: 3	
abstract	: 1	
drawings	: 0	
Sub-total number of sheets	: 25	
sequence listings		
tables related thereto		
(for both, actual number of sheets if filed in paper form, whether or not also filed in computer readable form; see (c) below)		
Total number of sheets	: 25	
(b) <input type="checkbox"/> only in computer readable form (Section 801(a)(i))		
(i) <input type="checkbox"/> sequence listings		
(ii) <input type="checkbox"/> tables related thereto		
(c) <input type="checkbox"/> also in computer readable form (Section 801(a)(ii))		
(i) <input type="checkbox"/> sequence listings		
(ii) <input type="checkbox"/> tables related thereto		
Type and number of carriers (diskette, CD-ROM, CD-R or other) on which are contained the		
<input type="checkbox"/> sequence listings:		
<input type="checkbox"/> tables related thereto:		
(additional copies to be indicated under items 9(ii) and/or 10(ii), in right column)		
Figure of the drawings which should accompany the abstract:	Language of filing of the international application:	English

Box No. X SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE
Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).

16.07.2003

In the name of the applicants
The representative



DOHMANN, George R. (US Reg no 33,593)

For receiving Office use only		
1. Date of actual receipt of the purported international application:		
3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application:		
4. Date of timely receipt of the required corrections under PCT Article 11(2):		
5. International Searching Authority (if two or more are competent): ISA /	6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid	2. Drawings: <input type="checkbox"/> received: <input type="checkbox"/> not received:

For International Bureau use only

Date of receipt of the record copy by the International Bureau:

See Notes to the request form



Q6 APR 2006

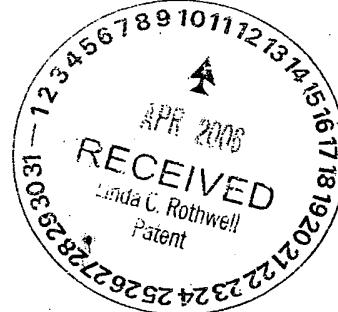
UNITED STATES PATENT AND TRADEMARK OFFICE

PCT/IB02/03257, 18042005

ATTACHMENT B

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450

**NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 104/3
EAST HANOVER NJ 07936-1080**



**In re Application of
BARANOWSKA-KORTYLEWICZ**
Application No.: 10/521,299
PCT No.: PCT/IB03/03257
Int. Filing Date: 17 July 2003
Priority Date: 19 July 2002
Attorney Docket No.: ON/4-32590A
**For: ENHANCING THE EFFECT OF
RADIOIMMUNOTHERAPY IN THE
TREATMENT OF TUMORS**

DECISION

This decision is in response to applicants' petition under 37 CFR 1.137(b) filed in the United States Patent and Trademark Office (USPTO) on 14 February 2006.

BACKGROUND

On 17 July 2003, applicants filed international application PCT/IB03/03257, which designated the U.S. and claimed a priority date of 19 July 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 29 January 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 19 January 2005.

On 14 January 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 20 June 2005, the United States Designated/Elected Office (DO/EO/US) mailed a **NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905)** indicating, *inter alia*, that applicant must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date. The **NOTIFICATION** set a two-month extendable period for reply.

On 14 February 2006, applicants submitted the instant petition under 37 CFR 1.137(b), which was accompanied by, *inter alia*, a declaration of inventors.

DOCKETED FOR: June 6, 2006

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the declaration of inventors filed 14 February 2006 is not in compliance with 37 CFR 1.497(a)-(b). The last named inventor is identified in the international application as Christian Pietras while the declaration of inventors identifies him as Kristian Pietras. A satisfactory explanation of the difference between the first name of the inventor as indicated on the declaration and in the international application has not been provided. Nor has a grantable petition under 37 CFR 1.182 regarding a change of name of the inventor or a grantable petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application been provided.

As to item (2), applicant submitted the petition fee on 14 February 2006.

As to item (3), a grantable petition has not yet been filed.

CONCLUSION

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice, for the reasons set forth above.

Applicant is hereby given the time limit of **TWO (2) MONTHS** from the mail date of this communication in order to file a proper response. A proper response would be a new oath(s) or declaration(s) properly identifying the inventor and signed by the inventor, or an acceptable explanation of any typographical or transliteration error in the last name of the inventor as indicated in the international application if this is the case, or a petition under 37 CFR 1.182 (see MPEP § 605.04(c)) if the inventor has changed his name, or a petition under 37 CFR 1.497(d) if a change of inventorship is being made from the inventorship of the application as indicated in the international application. Extensions of time under 37 CFR 1.136(a) are available.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer
Legal Examiner
PCT Legal Affairs

PCT/IB02/03257 . 18042006
Application No.: 10/521,299

-3-

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Faxsimile: (571) 273-0459

PCT/IB01/03257, 16042006

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10EV336718556US
Express Mail Label NumberFebruary 14, 2006
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
BARANOWSKA-KORTYLEWICZ ET AL.
APPLICATION NO: 10/521,299
FILED: January 14, 2005
FOR: ENHANCING THE EFFECT OF RADIOIMMUNOTHERAPY IN THE
TREATMENT OF TUMORS

MS: Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO REVIVE UNDER 37 CFR 1.137(b)

Sir:

Applicants respectfully request that the above-identified application be revived under the provisions of 37 CFR 1.137(b).

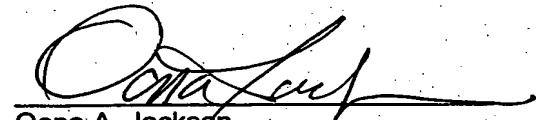
This application became abandoned by failure to file a fully executed Declaration and Power of Attorney, within the six-month statutory period which expired on December 20, 2005.

Enclosed with this Petition is a fully executed Declaration and Power of attorney in response to the Notification of Missing Requirements under 35 U.S.C. 371.

In accordance with 37 CFR 1.137(b)(2), the Commissioner is hereby authorized to charge the fee of \$1,500 required by 37 CFR 1.17(m) to Deposit Account No. 19-0134 in the name of Novartis. A duplicate copy of this Petition is also enclosed.

In accordance with 37 CFR 1.137(b)(3), it is respectfully submitted that the entire delay in filing the required duly executed Declaration and Power of Attorney from the final due date of December 20, 2005, until the filing of the instant, grantable petition was unintentional.

Respectfully submitted,



Oona A. Jackson
Attorney for Applicants
Reg. No. 48,152

Novartis
Corporate Intellectual Property
One Health Plaza, Building 104
East Hanover, NJ 07936-1080
(862) 778-7852

Date: February 14, 2006

DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES PATENT APPLICATION Original Supplemental Substitute

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

Enhancing the effect of radioimmunotherapy in the treatment of tumors

the specification of which:

is attached hereto.

was filed on _____ as Application No. _____
(day/month/year)

and, if this box (□) contains an ✕

was amended on _____
(day/month/year)

was filed as Patent Cooperation Treaty international Application No.

PCT/IB03/03257 on 17/07/2003
(day/month/year)

and, if this box (□) contains an ✕

entered the national stage in the United States and was accorded Application No.

and, if this box (□) contains an ✕

was amended, subsequent to entry into the national stage, on _____
(day/month/year)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) specifically referred to above and, if this application was filed as a Patent Cooperation Treaty international application, by any amendments made during the international stage (including any made under Patent Cooperation Treaty Rule 91, Article 19 and Article 34).

I acknowledge my duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including, for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or Patent Cooperation Treaty international filing date of the continuation-in-part application.

PCT/IB04/03257 . 18042006

I hereby claim the benefit under 35 U.S.C. 119(a)-(d) or (f) or 365(b) of any foreign application(s) for patent, inventor's certificate or plant breeder's right certificate listed below and under 35 U.S.C. 365(a) of any Patent Cooperation Treaty international application(s) designating at least one country other than the United States listed below and have also listed below any foreign application(s) for patent, inventor's certificate or plant breeder's right certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application the priority of which is claimed for that subject matter:

COUNTRY/REGION (OR P.C.T.)	APPLICATION No.	FILING DATE (day/month/year)	PRIORITY CLAIMED
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

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APPLICATION NO.	FILING DATE (day/month/year)
60/397347	19.07.2002

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United States Application No.	United States Filing Date (day/month/year)	Status (Pending, Abandoned or U.S. Patent No.)	International Application No. and Filing Date (day/month/year)

PCT/IB02/03257, 18042006

I hereby appoint all of the registered practitioners associated with Customer No. 001095, respectively and individually, as my attorneys and agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

If this box (□) contains an x , I hereby authorize the registered practitioners associated with Customer No. 001095 and any others acting on my behalf to take any action relating to this application based on communications from Corporate Intellectual Property of Novartis International AG, Basle, Switzerland, or an affiliate thereof or a successor thereto, without direct communication from me.

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Full name of sole
or first joint inventor

Janina BARANOWSKA-KORTYLEWICZ

Inventor's signature

Date 2-13-06
(day/month/year)

Residence

Omaha, USA

Citizenship

Poland

Post Office Address

5 South 51st Avenue
Omaha, Nebraska, 68132-3535
USA

Full name of second
joint inventor, if any

Takashi KURIZAKI

Inventor's signature

Date

(day/month/year)

Residence

Kumamoto, Japan

Citizenship

Japan

Post Office Address

19125 Yamada
Tamana City, Kumamoto, 8650066
Japan

IMPORTANT: Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.

PCT/IB02/03257, 18042006

Full name of third
joint inventor, if any **Michio ABE**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Omaha, USA**

Citizenship **Japan**

Post Office Address **9324 Cumming PLZ 12C
Omaha, NE 68132
USA**

Full name of fourth
joint inventor, if any **Arne OSTMAN**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Uppsala, Sweden**

Citizenship **Sweden**

Post Office Address **Bellmansgatan 58
75426 Uppsala
Sweden**

Full name of fifth
joint inventor, if any **Kristian PIETRAS**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Uppsala, Sweden**

Citizenship **Sweden**

Post Office Address **Tegnergatan 31 C
752 26 Uppsala
Sweden**

DECLARATION AND POWER OF ATTORNEY FOR UNITED STATES PATENT APPLICATION

Original

Supplemental

Substitute

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

Enhancing the effect of radioimmunotherapy in the treatment of tumors

the specification of which:

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PCT/IB03/03257 on 17/07/2003
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was amended, subsequent to entry into the national stage, on _____
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COUNTRY/REGION (OR P.C.T.)	APPLICATION No.	FILING DATE (day/month/year)	PRIORITY CLAIMED
			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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Full name of sole
or first joint inventor Janina BARANOWSKA-KORTYLEWICZ

Inventor's signature _____ Date _____
(day/month/year)

Residence Omaha, USA

Citizenship Poland

Post Office Address 5 South 51st Avenue
Omaha, Nebraska, 68132-3535
USA

Full name of second
joint inventor, if any Takashi KURIZAKI

Inventor's signature *Takashi Kurizaki* Date 01/02/2005
(day/month/year)

Residence Kumamoto, Japan

Citizenship Japan

Post Office Address 19125 Yamada
Tamana City, Kumamoto, 8650066
Japan

IMPORTANT: Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.

Full name of third joint inventor, if any **Michio ABE**

Inventor's signature Michio Abe, Date 7/2/2005
(day/month/year)

Residence **Omaha, USA**

Citizenship **Japan**

Post Office Address
**9324 Cumming PLZ 12C
Omaha, NE 68132
USA**

Full name of fourth joint inventor, if any **Arne OSTMAN**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Uppsala, Sweden**

Citizenship **Sweden**

Post Office Address
**Bellmansgatan 58
75426 Uppsala
Sweden**

Full name of fifth joint inventor, if any **Kristian PIETRAS**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Uppsala, Sweden**

Citizenship **Sweden**

Post Office Address
**Tegnergatan 31 C
752 26 Uppsala
Sweden**

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Enhancing the effect of radioimmunotherapy in the treatment of tumors

the specification of which:

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(day/month/year)

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(day/month/year)

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PCT/IBR01/03257, 18042006

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Inventor's signature _____ Date _____
(day/month/year)

Residence Omaha, USA

Citizenship Poland

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USA

Full name of second
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Inventor's signature _____ Date _____
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PCT/IB04/032537, 18042006

Full name of third
joint inventor, if any **Michio ABE**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Omaha, USA**

Citizenship **Japan**

Post Office Address **9324 Cumming PLZ 12C
Omaha, NE 68132
USA**

Full name of fourth
joint inventor, if any **Arne OSTMAN**

Inventor's signature _____ Date 00/01/05
(day/month/year)

Residence **Uppsala, Sweden**

Citizenship **Sweden**

Post Office Address **Bellmansgatan 58
75426 Uppsala
Sweden**

Full name of fifth
joint inventor, if any **Kristian PIETRAS**

Inventor's signature _____ Date _____
(day/month/year)

Residence **Uppsala, Sweden**

Citizenship **Sweden**

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PCT/IB03/3257, 18042006

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- Yes No
 Yes No
 Yes No
 Yes No
 Yes No

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Full name of sole
or first joint inventor

Janina BARANOWSKA-KORTYLEWICZ

Inventor's signature

Date

(day/month/year)

Residence

Omaha, USA

Citizenship

Poland

Post Office Address

**5 South 51st Avenue
Omaha, Nebraska, 68132-3535
USA**

Full name of second
joint inventor, if any

Takashi KURIZAKI

Inventor's signature

Date

(day/month/year)

Residence

Kumamoto, Japan

Citizenship

Japan

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Full name of third
joint inventor, if any Michio ABE

Inventor's signature _____ Date _____
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Residence Omaha, USA

Citizenship Japan

Post Office Address 9324 Cumming PLZ 12C
Omaha, NE 68132
USA

Full name of fourth
joint inventor, if any Arne OSTMAN

Inventor's signature _____ Date _____
(day/month/year)

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Citizenship Sweden

Post Office Address Bellmansgatan 58
75426 Uppsala
Sweden

Full name of fifth
joint inventor, if any Kristian PIETRAS

Inventor's signature _____ Date _____
(day/month/year)

Residence Uppsala, Sweden

Citizenship Sweden

Post Office Address Tegnergatan 31 C
752 26 Uppsala
Sweden

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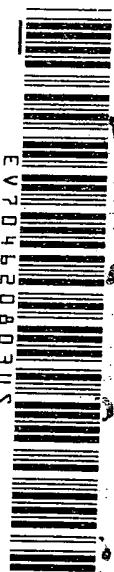
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EV704620803US



EXPRESS
RECEIVED Post Office To Addressee

Addressee Copy
Label 11-F, April 2004

UNITED STATES POSTAL SERVICE			
DELIVERY (POSTAL USE ONLY)			
Delivery Attempt	Time	Employee Signature	
Mo. Day	APR 19 2004	AM	Employee Signature
Delivery Attempt	Time	Employee Signature	
Mo. Day	APR 19 2004	AM	Employee Signature
Delivery Attempt	Time	Employee Signature	
Mo. Day	APR 19 2004	AM	Employee Signature
DELEVERED TO USPS TO MAIL CENTER			
Mo. Day	APR 19 2004	AM	Employee Signature
Customer Signature			
WAVER OF SIGNATURE: I acknowledge that my signature is not required for delivery of this item. I understand that if my signature is not obtained, the item may be delivered to another person or to a post office box. I also understand that if my signature is obtained, it does not constitute evidence of delivery.			
NOTE: URGENT <input type="checkbox"/> Standard <input type="checkbox"/> Economy <input type="checkbox"/> Customer Signature			

FROM: (PLEASE PRINT) _____
PHONE () _____

TO: (PLEASE PRINT) _____
PHONE () _____

FOR PICKUP OR TRACKING CALL 1-800-222-1811